

### REMARKS

Applicant has carefully considered the Office Action of September 23, 2005 and offers the following remarks in response thereto.

Applicant appreciates the indication of allowable subject matter in claims 3, 4, 22, and 23. However, in light of the deficiencies in the rejections, Applicant does not settle for the subject matter of these claims at this time.

Before addressing the rejection, Applicant provides a brief summary of the present invention so that the remarks relating to the rejection are considered in the proper context. The present invention is a system for allowing a mobile terminal to operate in two modes. The first mode is a local wireless mode and the second mode is a cellular mode. In an exemplary embodiment, the local wireless mode is a cordless mode. The mobile terminal uses a cordless protocol that interoperates with a terminal adaptor. The terminal adaptor is connected to a packet network. Because most cordless protocols are relatively short-ranged, it is expected that the user of the mobile terminal may leave the range of the terminal adaptor. When this happens, the present invention allows the mobile terminal to transition from the local wireless mode to the cellular mode. To this end, the present invention initiates a connection between a gateway and the mobile terminal via the cellular network. The call, which had been routed through the packet network, is then passed to the connection that has just been initiated between the gateway and the mobile terminal through the cellular network.

Claims 1, 2, 5-21, and 24-39 were rejected under 35 U.S.C. § 103 as being unpatentable over Logsdon et al. (hereinafter "Logsdon") in view of McConnell et al. (hereinafter "McConnell"). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must state a motivation to combine the references, and second, the Patent Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Once a proper combination is made, to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is shown. MPEP § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

Applicant initially traverses the rejection because the Patent Office has not properly supported the motivation to combine the references. Specifically, the Patent Office asserts that the motivation to combine the references is "to provide certain enhanced services in accordance

with the call routing instruction received from the service control point.” (Office Action of September 23, 2005, page 3, lines 14-16; page 8, lines 14-15; and page 13, lines 10-13). This asserted motivation lacks the required evidence. Since the motivation lacks the required evidence, the motivation is improper. Since the motivation is improper, the combination is improper. Since the combination is improper, the rejection is improper. Since the rejection is improper, the Patent Office has not established obviousness, and the claims are allowable. Applicant requests withdrawal of the § 103 rejection of the claims on this basis.

Even if the combination is proper, a point which Applicant does not concede, the combination does not establish obviousness. In contrast to the invention, Logsdon is a system that allows a mobile terminal that cannot connect to the cellular network directly to connect to the cellular network through a second mobile terminal.

Claim 1 recites “transitioning a call with a mobile terminal from a packet network to a cellular network, wherein the call is initially established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network. . . .” The Patent Office asserts that this element is shown by Logsdon’s abstract, and column 2, lines 15-44. Applicant traverses this assertion. The cited passages indicate that the mobile terminal connects to the cellular network through a second mobile terminal. While the passages do indicate that the mobile terminals communicate via packets, there is no transitioning of the call from the packet network to the cellular network. Rather, the call flow remains in a static position: from the distressed mobile terminal to the functional mobile terminal and then to the cellular network. This arrangement is not transitioning within the context of the present invention. The Patent Office points to nothing in McConnell that teaches this element, either. Thus, the references individually do not teach or suggest the claim element. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element.

Claim 1 further recites “determining the call should be transferred to the mobile terminal via the cellular network. . . .” The Patent Office asserts that this element is shown in Logsdon column 5, lines 17-58. Applicant traverses this assertion. The passage indicates that the mobile terminal 124a is disconnected from the cellular network, sends out a distress signal, and reconnects to the cellular network through mobile terminal 124c. There is no call that is pre-existing through the packet network and should be transferred to the mobile terminal via the

cellular network. Rather, the passage indicates that calls are routed from the cellular network to the intermediate terminal to the distressed terminal. There is no transfer of the call as "transfer" is used in the claims. The Patent Office points to nothing in McConnell that teaches this element, either. Thus, the references individually do not teach or suggest the claim element. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element.

Claim 1 further recites "initiating a first connection between a first media gateway and the mobile terminal via the cellular network; and effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal." The Patent Office admits that this element is not taught by Logsdon and relies on McConnell for the element. However, McConnell does not teach a gateway. Applicant has studied the cited passages and finds no element that corresponds to a gateway. If the Patent Office disagrees, Applicant requests that the Patent Office identify, by reference number, what element within McConnell is being construed to be the gateway of claim 1. In the absence of such an identification, the element is not shown by the reference. Since the references individually do not teach or suggest the gateway, the combination cannot teach or suggest the element.

Since the combination of references does not teach or suggest multiple claim elements, the combination does not establish obviousness for claim 1. Claims 2 and 5-19 depend from claim 1 and are not obvious for at least the same reasons. Applicant requests withdrawal of the § 103 rejection of claims 1, 2, and 5-19 at this time.

Claim 20 recites, in relevant part, essentially identical elements to those discussed above for claim 1. Thus, claim 20 is non-obvious for at least the reasons that claim 1 is not obvious. Claims 21 and 24-38 depend from claim 20 and are not obvious for at least the same reasons. Applicant requests withdrawal of the § 103 rejection of claims 20, 21, and 24-38 at this time.

Claim 39 recites, in relevant part, essentially identical elements to those discussed above for claim 1. Thus, claim 39 is non-obvious for at least the reasons that claim 1 is not obvious. Applicant requests withdrawal of the § 103 rejection of claim 39 at this time.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. The Patent Office has improperly combined the references, and even if the references are properly combined, the combination does not establish obviousness. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

Benjamin S. Withrow, Esq.

Registration No. 40,876

P.O. Box 1287

Cary, NC 27512

Telephone: (919) 654-4520

Date: December 12, 2005  
Attorney Docket: 7000-313

<p align="center"><b>CERTIFICATE OF TRANSMISSION</b> I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: <u>Nguyen, Khai Minh</u> Art Unit: <u>2687</u> Fax: <u>571-273-8300</u></p> <p><u>Melissa F. Wellington</u> Name of Sender</p> <p><u>[Signature]</u> Signature</p> <p><u>12-12-05</u> Date of Transmission</p>
---